

Faulk, Camilla

From: Armstrong, Sharon [Sharon.Armstrong@kingcounty.gov]
Sent: Thursday, April 28, 2011 11:47 AM
To: Faulk, Camilla
Subject: Comment to proposed CrR 4.11

To: Supreme Court Rule Committee

I have been a Judge of the King County Superior Court for 25 years and was most recently in 2009 and 2010 the Chief Criminal Judge for our court. I write to support the Supreme Court's adoption of proposed CrR 4.11.

The proposed rule authorizes an inexpensive and efficient mechanism for accurately recording witness statements, work that is required by a defense counsel's ethical duties and also necessary to the prompt and just resolution of charges. The recent Court of Appeals decision in *State v. Mankin*, 158 Wn. App. 11 (2010) will unfortunately interfere with meaningful discovery and necessitate time-consuming motions for costly depositions, which are a greater burden to witnesses and the parties. The rule resolves these issues in favor of efficiency, accuracy and completeness in the fact-finding process.

The rule now contains protections for witnesses so that the interview recording and transcripts may not be disseminated except to conduct a party's case. Additionally, a party or witness objecting to the procedure may also seek a protective order from the court. The rule thus carefully balances the interests of the parties with the privacy concerns of witnesses.

Under the civil rules, depositions of any witness may be taken at any time, with rare limitations. Although depositions are expensive, they are widely used because they accurately preserve a witness's testimony and lead to earlier case resolutions. In a criminal case, where even greater liberty interests are at stake, at a minimum audio recording should be available to the parties to achieve just and accurate results.

I urge the Court to adopt the proposed rule.

Judge Sharon S. Armstrong
King County Superior Court
sharon.armstrong@kingcounty.gov
206-296-9363